Superannuation Contributions Requirements for Employing Independent Contractors

Museums & Galleries of NSW

From 1 July 2026, changes to Australia's superannuation laws may affect museums, galleries and Aboriginal cultural centres that engage independent contractors.

This resource explains the superannuation contribution requirements, outlines which contractors may be covered under the changes, and highlights the responsibilities of employers. It includes practical guidance to help organisations understand their obligations, reduce compliance risks and ensure they are meeting the new legal requirements when engaging contractors such as artists, curators, educators, conservators, designers and other cultural practitioners.

Whether your organisation employs staff or relies on contractors for project-based work, this resource aims to help you understand what has changed and the steps you may need to take from 1 July 2026.

Closing Loopholes legislation changed how worker classifications are assessed. Instead of only looking at the written contract, the "whole of relationship" test requires looking at how the contract operates in daily practice. If the working relationship actually functions as an employment relationship, the worker may be entitled to employee protections, including superannuation contributions.

When Superannuation Contributions May Be Required

Make **superannuation contributions** for independent contractors if you pay them:

- Under a verbal or written contract that is mainly for their labour (more than half the dollar value of the contract is for their labour), however, the superannuation contribution is calculated on the labour part of the invoice.
- For their personal labour and skills.
- To perform the contract work themselves (work cannot be delegated to someone else).
- As a sportsperson, artist or entertainer paid to perform, present or participate in any music, play, dance, entertainment, sport, display or promotional activity, or similar activity.
- To provide services in connection with any performance, presentation or participation in these activities.
- As an individual. This does not apply to payments to a company, trust or partnership.

Under the new **Payday Super** laws (from 1st July 2026), superannuation payments have moved from quarterly deadlines to matching the payment cycle.

- Employers must pay super contributions with every wage or invoice payment.
- The funds must clear in the employee or contractor's super account within 7 business days of the payday.

Procedure:

- The contractor must complete a Superannuation Standard Choice form which must returned with their first invoice. Date of birth must also be supplied as it is not requested on the form.
- Suppliers without an Australian Business Number (ABN) must also complete a Statement by a Supplier form. Superannuation may still be payable.

Note: This resource provides general guidance only. Organisations should seek professional accounting or legal advice where contractor arrangements are complex or where there is uncertainty about superannuation obligations.

While all care has been taken to ensure information is accurate at the time of publication, all information in this resource is intended as a guide only. You should obtain professional advice if you have any specific concerns.